

1 ALEX G. TSE (CABN 152348)
2 United States Attorney

3 BARBARA J. VALLIERE (DCBN 439353)
4 Chief, Criminal Division

5 ROBERT S. LEACH (CABN 196191)
6 ADAM A. REEVES (NYBN 2363877)
7 WILLIAM FRENTZEN (LABN 24421)
8 Assistant United States Attorneys

9
10 450 Golden Gate Avenue, Box 36055
11 San Francisco, California 94102-3495
12 Telephone: (415) 436-7453
13 Fax: (415) 436-7234
14 robert.leach@usdoj.gov

15 Attorneys for United States of America

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 UNITED STATES OF AMERICA,) Case No. CR 16-00462 CRB

20 Plaintiff,)

21 v.)

22 SUSHOVAN TAREQUE HUSSAIN,)

23 Defendant.)

24 UNITED STATES OF AMERICA,) Case No. CR 18-00577 CRB

25 Plaintiff,)

26 v.)

27 MICHAEL RICHARD LYNCH and)
28 STEPHEN KEITH CHAMBERLAIN,)

Defendants.)

29 NOTICE OF RELATED CASE IN A CRIMINAL ACTION

30 The United States respectfully submits this Notice of Related Cases in a Criminal Action
31 pursuant to Criminal Local Rule 8-1. The United States gives notice that the criminal case of

1 *United States v. Hussain*, Case No. CR 16-462, assigned to the Hon Charles R. Breyer, is related
2 to *United States v. Lynch and Chamberlain*, Case No. CR 18-577, also assigned to the Hon.
3 Charles R. Breyer.

4 **I. Applicable Legal Standard**

5 Criminal Local Rule 8-1(b) states that any criminal action is “related” to another pending
6 civil or criminal action when the actions concern one or more of the same defendants and the
7 same alleged events, occurrences, transactions or property or the actions appear likely to entail
8 substantial duplication of labor if heard by different Judges or might create conflicts and
9 unnecessary expenses if conducted before different Judges.

10 **II. The Actions Are Related Because They Both Allege Fraud at Autonomy**

11 Both criminal actions allege similar conspiracy and wire fraud offenses as part of a broad
12 scheme to defraud arising out of the acquisition by Hewlett-Packard Company and its subsidiary,
13 Hewlett-Packard Vision B.V. (collectively “HP”), of Autonomy Corporation, plc (“Autonomy”)
14 for approximately \$11 billion in or about October 2011.

15 Both criminal actions allege that, beginning in or about January 2009 and continuing
16 through in or about October 2011, defendants Lynch, Hussain and Chamberlain, together with
17 others, engaged in a fraudulent scheme to deceive purchasers and sellers of Autonomy securities
18 about the true performance of Autonomy’s business, its financial performance and condition, the
19 nature and composition of its products, revenue and expenses and its prospects for growth.

20 Both criminal actions allege that the objectives of the scheme to defraud were, among
21 other things, (a) to ensure that Autonomy reported that it had met or exceeded projected quarterly
22 results for, among other things, revenue, gross margin, net income, and earnings per share, (b) to
23 maintain and increase the defendants’ positions within the company, and to enrich themselves
24 and others through bonuses, salaries, and options, and (c) to artificially increase and maintain the
25 share price of Autonomy securities to, among other things, make Autonomy attractive to
26 potential purchasers.

27 And both criminal actions allege that the defendants used Autonomy’s false and
28 misleading financial statements from 2009, 2010, and early 2011, and other false and misleading

1 documents, to make Autonomy more attractive to a potential purchaser like HP.

2 **III. The Criminal Action Is Related for Purposes of Criminal Local Rule 8-1**

3 The two indictments are substantially similar. They involve the same co-conspirators, the
4 same alleged events, occurrences and transactions and would likely entail substantial duplication
5 of labor if heard by different Judges.

6 **CONCLUSION**

7 Accordingly, the United States respectfully requests that an Order be issued pursuant to
8 L. Crim. R. 8-1(e) relating the two captioned criminal actions.

9 Dated: November 29, 2018

10 Respectfully Submitted,

11 ALEX G. TSE
United States Attorney

12 /s/

13

ADAM A. REEVES
14 ROBERT S. LEACH
15 WILLIAM FRENTZEN
Assistant United States Attorneys

16
17
18
19
20
21
22
23
24
25
26
27
28